

Remarks

Claims 1-15 are pending in the present application. No additional claims fee is due. Claim 3 has been amended. Support for this amendment is found, at least, on page 5, lines 1-5 of the specification. Attached hereto is a marked-up version of the changes made to Claim 3 by the current amendment. The attached page is captioned "Version with markings to show changes made." Attached hereto is an abstract on a separate page as requested in the Office Action. The attached page is captioned "Abstract."

Response to the Office Action

Specification

An Abstract on a separate page is attached as requested in the Office Action.

Claim Objections

Claim 3 has been amended to include the language "from the group consisting of" as requested in the Office Action. Therefore, Applicants respectfully submit that this objection has been overcome.

The Rejection under 35 U.S.C. 102(b) over Hughes

Claims 1-4, 6-9, and 11-15 have been rejected under 35 U.S.C. 102(b) as being anticipated by Hughes (US 5,567,428). Applicants respectfully traverse this rejection, as Hughes does not teach a hair care composition comprising a polysiloxane resin, wherein at least one substituent group of the resin possesses delocalised electrons. While Hughes teaches the use of polysiloxane grafted adhesive polymers, he does not disclose that at least one substituent group possesses delocalised electrons. Hughes does not disclose or suggest that use of the polysiloxane resins with delocalised electrons has the effect of increasing the refractive index, thereby increasing the shine of hair.

Further, Hughes claims a combination of the polysiloxane-grafted adhesive polymer with both a solvent carrier and a drying aid. The present application does not require use of a solvent carrier and a drying aid. Therefore, Applicants contend that the present invention is novel in view of Hughes and that the rejection should be withdrawn.

The Rejection under 35 U.S.C. 103(a) over Hughes

Claims 1-15 have been rejected under 35 U.S.C. 103(a) as being obvious in view of Hughes (US 5,567,428). Applicants respectfully traverse this rejection for two reasons.

First, there is no motivation to modify the Hughes reference, as required in MPEP 2143.01. Second, the Hughes reference does not teach or suggest all of the claim limitations, as required in MPEP 2143.03. Thus, the obviousness rejection given in the Office Action does not establish a *prima facie* case of obviousness. Hughes does not teach or suggest a hair care composition comprising a polysiloxane resin, wherein at least one substituent group of the resin possesses delocalised electrons as required by Applicants' claim 1. Therefore, Applicants contend that the claimed invention is unobvious and that the rejection should be withdrawn.

There is no motivation to modify the Hughes reference. Hughes teaches the use of polysiloxane-grafted adhesive polymers in combination with a solvent and a drying aid in order to decrease the amount of time required for drying of the personal care products. One skilled in the art would have no motivation to use the polysiloxane-grafted adhesive polymers taught by Hughes to improve drying time in order to improve hair shine via increasing the refractive index of the resin. Thus, a *prima facie* case of obviousness has not been established.

Furthermore, the Hughes reference does not teach or suggest all of the claim limitations of the present application. While Hughes teaches the use of polysiloxane-grafted adhesive polymers, he does not require that *at least one substituent group possesses delocalised electrons* as required by applicants' claim 1. Hughes does not suggest that use of the polysiloxane resins with delocalised electrons has the effect of increasing the refractive index, thereby increasing the shine of hair. Also, Hughes claims a combination of the polysiloxane-grafted adhesive polymer with both a solvent carrier and a drying aid. The present application does not require use of a solvent carrier and a drying aid.

Therefore, Applicants contend that a *prima facie* case of obviousness has not been established, and the claimed invention is not obvious in view of the cited reference.

The Rejection under 35 U.S.C. 103(a) over Hughes in view of GB 2,297,757

Claim 5 has been rejected under 35 U.S.C. 103(a) as being obvious over Hughes (US 5,567,428) in view of GB 2,297,757 (hereinafter "Berthiaume"). Applicants respectfully traverse this rejection for two reasons. First, there is no motivation to combine the references, as required in MPEP 2143.01. Second, the Hughes and Berthiaume references do not teach or suggest all of the claim limitations, as required in

MPEP 2143.03. Thus, the obviousness rejection given in the Office Action does not establish a *prima facie* case of obviousness.

There is no motivation to combine the Hughes and Berthiaume references. Hughes teaches the use of polysiloxane-grafted adhesive polymers in combination with a solvent and a drying aid in order to decrease the amount of time required for drying of the personal care products. Berthiaume broadly discloses the use of MQ silicone resins in personal care products. Berthiaume's teachings of silicone use range from ease of pump spraying to hair conditioning. While Berthiaume indicates that hair gloss may be accomplished by coating the hair with a material having a high refractive index, it does not teach or suggest that the high refractive index material is a polysiloxane resin with delocalised electrons. Thus, one skilled in the art would have no motivation to combine Hughes' teaching of polysiloxane-grafted adhesive polymers to improve drying time with Berthiaume's broad teaching of the use of MQ silicone resins. Thus, a *prima facie* case of obviousness has not been established.

Furthermore, the Hughes and Berthiaume references do not teach or suggest all of the claim limitations of the present application. Neither Hughes nor Berthiaume teaches polysiloxane resins, wherein the polysiloxane is a 2-phenylpropyl substituted polysiloxane. While Hughes teaches the use of polysiloxane-grafted adhesive polymers, he does not require that the polysiloxane is a 2-phenylpropyl substituted polysiloxane as required by applicants' claim 5. Berthiaume only teaches that phenethyl substituted siloxysilicates possess higher refractive indices than the alkyl substituted siloxysilicates. Berthiaume does not teach or suggest polysiloxane resins, wherein the polysiloxane is a 2-phenylpropyl substituted polysiloxane resin.

Therefore, Applicants contend that a *prima facie* case of obviousness has not been established, and the claimed invention is not obvious in view of the cited references.

The Rejection under 35 U.S.C. 103(a) over Pings in view of GB 2,297,757

Claims 1-15 have been rejected under 35 U.S.C. 103(a) as being obvious over Pings (US 5,482,703) in view of GB 2,297,757 (hereinafter "Berthiaume"). Applicants respectfully traverse this rejection as the Pings and Berthiaume references do not teach or suggest all of the claim limitations, as required in MPEP 2143.03. Thus, the obviousness rejection given in the Office Action does not establish a *prima facie* case of obviousness.

The Pings and Berthiaume references do not teach or suggest all of the claim limitations of the present application. Neither Pings nor Berthiaume teaches polysiloxane resins, wherein at least one substituent group of the resin possesses delocalised electrons. While Pings teaches the use of silicone conditioning agents, he requires that it be coupled with a dimethicone copolyol, a lipid vehicle material, and a cationic surfactant. Thus, Pings does not require that the polysiloxane resin possess delocalised electrons. Berthiaume only teaches that phenethyl substituted siloxysilicates possess higher refractive indices than the alkyl substituted siloxysilicates. Berthiaume does not teach or suggest polysiloxane resins, wherein the polysiloxane resin possess delocalised electrons.

Therefore, Applicants contend that a *prima facie* case of obviousness has not been established, and the claimed invention is not obvious in view of the cited references.

Conclusion

Applicants have made an earnest effort to distinguish the invention as now claimed from the applied references. WHEREFORE, Applicants respectfully request reconsideration of this application and allowance of Claims 1-15.

Respectfully submitted,
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VERSION WITH MARKINGS TO SHOW CHANGES MADE**In the claims:**

3. A hair care composition according to Claim 1 wherein the polysiloxane resin substituent group possessing the delocalised electrons is selected from the group consisting of aryl, arylalkyl and alkaryl groups.

ABSTRACT

According to the present invention there is provided a hair care composition comprising from about 0.001% to 5% polysiloxane resin, wherein at least one substituent group of the resin possesses delocalised electrons and wherein the composition is a leave-on composition. The compositions of the present invention have reduced tackiness and greasiness while delivering good conditioning/shine benefits.